

CITY OF NEWPORT
DOCKET FOR THE COUNCIL MEETING
NOVEMBER 13, 2013

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on November 13, 2013, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Minutes of the Council Meetings held October 9 and 23, 2013.
(Approve)
 - b. Special Event Licenses:
 - 1) Emmanuel Church, d/b/a Holiday Fair; Emmanuel Church, 42 Dearborn St., November 23, 2013, from 9:00 a.m. to 3:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- 2) Island Moving Company, d/b/a 2013 Newport Nutcracker at Rosecliff; Rosecliff, Bellevue Ave., Nov. 29, at 4:30 and 7:30 p.m.; Nov. 30, at 2:00 p.m. and 7:00 p.m.; Dec. 1, at 2:00 p.m. and 6:00 p.m.; Dec. 3-6, at 4:00 p.m. and 7:30 p.m.; Dec. 7, at 2:00 p.m. and 7:00 p.m.; and Dec. 8, at 4:00 p.m. and 6:00 p.m.
 - 3) Potters of Newport County, d/b/a Holiday Sale; Elks Lodge, 141 Pelham St., Nov. 30, from 10:00 a.m. to 5:00 p.m.; and Dec. 1, from 10:00 a.m. to 4:00 p.m.
 - 4) Bowen's Wharf Co., Inc., d/b/a 43rd Annual Bowen's Wharf Christmas Tree Lighting, Bowen's Wharf, Dec. 7, 2013, from 4:30 p.m. to 8:00 p.m.
 - 5) Trinity Church, d/b/a Silver Tea; Trinity Church, One Queen Anne Square, Dec. 7, 2013, from 11:00 a.m. to 4:00 p.m.
 - 6) St. Augustin Church, d/b/a Christmas Bazaar; St. Augustin Hall, 2 Eastnor Rd., Dec. 7, 2013, from 10:00 a.m. to 3:00 p.m.
 - 7) Kathleen Finn, d/b/a Leah Ploutz Fundraiser; Elks Lodge, 141 Pelham St., Dec. 14, 2013, from 6:00 p.m. to 11:00 p.m.
 - 8) Newport Art Museum, d/b/a 2014 Winter Speaker Series; Newport Art Museum, 76 Bellevue Ave.: Jan. 11, 18, 25; Feb. 1, 8 and 15, 2014, from 2:00 p.m. to 4:00 p.m.
- c. Second-hand License, Renewal, Deborah Beardsley, d/b/a Friendly Harbor gifts & Antiques, 481 Thames St.
 - d. Holiday Selling License, Renewal, Deborah Beardsley, d/b/a Friendly Harbor gifts & Antiques, 481 Thames St.
 - e. Second-hand License, John Peixinho, d/b/a The Newport Lampshade Co., Inc., 22 Franklin St. (Address correction)
 - f. Holiday Selling License, John Peixinho, d/b/a The Newport Lampshade Co., Inc., 22 Franklin St. (Address correction)
 - g. Second-hand License, John Peixinho, d/b/a Franklin and Company, 36 Franklin St. (Address correction)

- h. Holiday Selling License, John Peixinho, d/b/a Franklin and Company, 36 Franklin St. (Address correction)
- i. Holiday Selling License, New, Sodexho, d/b/a Sodexo at Newport Hospital (gift shop)
- j. Communication from the Boys and Girls Clubs of Newport County asking permission to place road signs on City, State, and School Dept. properties promoting the Flo Harvey Basketball League. (Approve subject to details being worked out with the city administration, et als.)
- k. Petition from the residents of McCormick Road asking that their street be included on the next street resurfacing list. (Receive and refer to the city administration.)
- l. Communication from the Newport Planning Board, re: Ordinance No. 12.28.120, entitled, "Newport Harbor – 'Open Channels'" (Receive and refer to the city administration for a recommendation.)
- m. Communication from the Sub-committee of the Energy & Environment and Tree & Open Space Commissions requesting an extension to December 31, 2013, by which to provide observations and recommendations related to a parking lot ordinance. (Approve)
- n. Resignation of Martin J. Casey from the Ad Hoc Committee on Waste Water and Storm Water (Receive with regret.)
- o. Communication from the League of American Bicyclists recognizing Newport's designation as a "Bicycle Friendly Community." (Receive)
- p. Communication from the RI Advisory Commission on Historical Cemeteries, re; "Caring for the Permanent Residents of RI" – preservation of historical cemeteries. (Receive)
- q. Communication from Rhode Island Housing, re: Environmental Legal Notice of Intent to Request Release of Lead-based Paint Hazard Control Grant Program Funds (Receive)
- r. State Planning Council Notice of Rule Making – Intent to amend its *Rules of Procedure* (ERLLID #5205) adopted in 1985. (Receive)

LICENSES & PERMITS

2. Application for a Variance to the Noise Abatement Ordinance, Historic Wharves Associates, Inc., d/b/a Newport Yachting Center, Commercial Wharf, for all concerts and festivals held between May 23 and October 31, 2014, not to exceed 9:30 p.m. on weekdays, and 10:00 p.m. on weekends and holidays. (Hearing)
3. 2013-14 Victualing License Renewals (Non-liquor Establishments):
 - a. Abdul-Qudoos Khan, d/b/a K&K Food Mart, 10 Connell Highway
 - b. Amanda Bryan, d/b/a The Newport Sweet Shoppe, 82 William St.
 - c. Broadway Market Corp., d/b/a Esperanto/Broadway Market, 316 Broadway
 - d. Che Wen Zhang, d/b/a New Good Friend Chinese Restaurant, 137 Connell Highway
 - e. Crabby Patty of Newport, LLC, d/b/a Crabby Patty, 404 Thames St.
 - f. Farahnaz Shobeiri, d/b/a Genie's Hookah Lounge, 94 William St. (including outdoor patio)
 - g. Michael A. Wells, d/b/a Café Bellevue, II, 111 Bellevue Ave.
 - h. Peaceable Market, LLC, d/b/a Peaceable Market, 520 Thames St.
 - i. Raw Power Juice Bar, LLC, d/b/a Raw Power Juice Bar, 266 Bellevue Ave.
 - j. The Sailor's Sweet Tooth, Inc., d/b/a Kilwin's Chocolates & Ice Cream, 262 Thames St. (including outdoor patio)
 - k. Susan Farrell, d/b/a Spring Seasons Inn, Inc., Tea Room, 86 Spring St.
4. 2013-04 Victualing License Renewals (Liquor Establishments):
 - a. The Mainstay Inn, Ltd., d/b/a The Mainstay Inn, 151 Admiral Kalbfus Rd. (liquor establishment)
 - b. 108 Laces, Inc., d/b/a Mudville Pub, 8 West Marlborough St. (liquor establishment)
5. Victualing License, New, L&M Slim Posse, LLC, d/b/a Slimport, 4 Spring Wharf
6. Pedicab Business License, Renewal of 4 Pedicab License, David Cass, d/b/a Pirate Pedicab LLC, 18 Pallas St., Providence, RI.
 - Communication from David Cass, President, Pirate Pedicab, LLC, asking that the number of pedicab decals be increased from 16 to 20 and he be granted the four additional decals.

- Communication from Jody Sullivan, Exec. Director, Newport County Chamber of Commerce, in support of Pirate Pedicab's request for additional pedicab decals.

COMMUNICATIONS & PETITIONS

7. Communication from the Housing Authority of Newport, re: Cooperative Agreement authorizing the development of Phase I and Phase II plan and improvements on Park Holm land.
8. City Council Updates: IT Working Group – Councilor Neville
9. City Manager Updates: (1) Tax Assessments & Revaluations;
(2) Engage Newport

10. APPOINTMENTS TO BOARDS AND COMMISSIONS

Planning Board (1 vacancy): Applicants – Liam Barry, Heidi S. Blank, Charles Yusung Hall

Energy & Environment Commission: Reappointment of Kara A. DiCamillo

Housing Authority of Newport: Reappointment of Frank Landry

Planning Board: Reappointment of Tod Murphy

Trust & Investment Commission: Reappointment of Patrick Sheerin

Note: Vacancies currently or soon will exist on the following boards and commissions: Accessibility Advisory Committee, Affirmative Action Commission, Building Code Board of Appeals, Historic District Commission, Homestead Exemption Workgroup, Hospitality Commission, Personnel Appeals Board, Planning Board, Board of Tax Appeals, Zoning Board of Review. Interested residents can obtain applications on the City's web page (www.cityofnewport.com) or by contacting the Mayor's Office.

RESOLUTIONS

11. Recognizing members of the Newport Fire Dept. who received the Rhode Island Lifesaving Medal for their actions on December 22, 2012 – Newport City Council

12. Amending Resolution No. 2013-106 to provide that the Final Report of the Charter Review Commission shall be extended to April 1, 2014 – J. McLaughlin
13. Amending Resolution No. 2013-109 to provide that the Report of the Finance Review Committee shall be extended to May, 2014 – J. McLaughlin
14. Approving the Cooperative Agreement between the City of Newport and the Housing Authority of the City of Newport authorizing the development of the Phase I and II plan and improvements on Park Holm land – H. Winthrop, M. Camacho, J. Napolitano
15. Requesting the City Solicitor to recommend an ordinance change to address the perceived increase in aggressive begging and panhandling – M. Farley, K. Leonard, J. Napolitano
16. Requesting the City Solicitor to prepare an ordinance for council review that would protect public, historic stacked stone walls and protect the rights of property owners to reasonable development – M. Farley, K. Leonard, J. Napolitano
17. In Support of Establishing A Unified High School Exploratory Committee – N. Neville, H. Winthrop, M. Farley, M. Camacho, J. Napolitano, J. McLaughlin, K. Leonard
18. Directing the City Manager to prepare an RFP for a property valuation consultant to permit a mini-revaluation of privately-owned, commercial, subsidized housing parcels with more than 20 housing units – M. Farley

ORDINANCES

19. Amending Title 12 of the Codified Ordinances by deleting in its entirety Chapter 12.28, entitled, “Newport Harbor,” and creating a new Chapter 12.28, entitled, “Newport Harbor.” (as recommended by the Waterfront Commission) (First Reading)

-- Memorandum from the Assistant City Solicitor recommending additional changes to the Newport Harbor Ordinance recommended by the Waterfront Commission.

20. Amending Chapter 12.28 of the Codified Ordinances, entitled, “Newport Harbor”; Sections 12.28.073; 12.78.074, and 12.28.160 to provide that a person aggrieved by a decision of the Harbor Master shall file an appeal to the Newport Municipal Court (First Reading; requested by J. Napolitano)

COMMUNICATIONS FROM THE CITY MANAGER

21. Memorandum from the City Manager, re: Strategic Plan Update – Oct. 2013
22. Action #5210/13, re: Contract Amendment – Custom Built Triple Combination Fire Pumper (with accompanying resolution)
23. Action #5211 /13, re: Rolling Biennial Budget (with accompanying resolution)
24. Action #5212/13, re: Award of Contract for Citywide GIS System (with accompanying resolution)
25. Action #5213/13, re: CRMC File No. 2013-08-012; RIDEM File No. 13-030; US Army Corps of Engineers File No. NAE-2010-928 -- Application of One Goat Island, LLC, to Construct and Maintain a New 25-slip Marina

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS.

BOARD OF LICENSE COMMISSIONERS

1. Class F-1 Daily Liquor License, Fort Adams Trust, Fort Adams State Park, Dec. 14, 2013, from 12 Noon to 4:00 p.m. (A Christmas in Newport event)
2. 2013-14 Class BT Liquor License Renewal, The Mainstay Inn, Ltd., d/b/a The Mainstay Inn, 151 Admiral Kalbfus Road. (Hearing)
3. 2013-14 Class BV Liquor License Renewal, 108 Laces, Inc., d/b/a Mudville Pub, 8 West Marlborough St. (Hearing)

ADJOURN AS BOARD OF LICENSE COMMISSIONERS AND RECONVENE AS COUNCIL; AND, BASED UPON AN AFFIRMATIVE VOTE OF THE MAJORITY OF MEMBERS PRESENT, MOVE TO EXECUTIVE SESSION IN THE CONFERENCE ROOM, PURSUANT TO RI GENERAL LAWS, SECTION 42-46-1, AS AMENDED, AND IN ACCORDANCE WITH SECTION 32-26-5(A)(2), PURPOSES FOR WHICH MEETINGS MAY BE CLOSED - PENDING LITIGATION – TO DISCUSS THE JOHN CLARKE SCHOOL LIMITED PARTNERS' DEBT TO THE CITY.

Kathleen M. Silvia
City Clerk

November 6, 2013